

Notice of Allowability

Application No.

10/702,307

Applicant(s)

CARPENTER, KEVIN

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/6/03.
2. ☒ The allowed claim(s) is/are 1-26 and 42-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/26/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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Part III EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Jennifer Stewart on January 25, 2006.

The application has been amended as follows:

Claims 27-41 have been canceled.

REASONS FOR ALLOWANCE

2. Claims 1-26 and 42-52 are allowed.

3. The following is an Examiner's Statement of Reasons for Allowance:

The invention as claimed is not taught or rendered obvious by the prior art of record. Regarding claim 1, the prior art of record fails to teach or suggest, alone or in combination "wherein in said first folded position, said first and second sections of said housing are folded in side by side relation with said display and said camera lens facing towards each other; and wherein in said second folded position, said first and second sections of said housing are folded in side by side relation with said display and said camera lens facing away from each other".

Regarding claim 42, the prior art of record fails to teach or suggest, alone or in combination "wherein in said first folded position, said first and second housing sections are folded in side by side relation with said display and said camera lens facing towards each other; and wherein in said second folded position, said first and second housing sections are folded in side by side relation with said display and said camera lens facing away from each other".

Bennetts et al. (U.S. Pub No: 2005/0096106 A1) discloses a housing for a mobile communication device (fig. 1) comprising: a first housing section with a first side and a second side (fig. 1 numbers 20 and 24); a second housing section with a

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first side and a second side (fig. 1 numbers 22 and 26); a hinge mechanism pivotally connecting said first and second housing sections to allow said first and second housing sections to rotate between a first folded position (fig. 4 numbers 4, 50 and 52), in which said first and second housing section are folded in side by side relations with said first sides facing (fig. 4 bottom figure), and a second folded position, in which said first and second housing section are folded in side by side relations with said second sides facing (fig. 4 top figure wherein numbers 14 and 18 are facing outward). Fukuda et al. (U.S. Pub No: 2003/0040346 A1) discloses a portable device having a camera feature. Sudo (U.S. Pub No: 2005/0054394 A1) teaches a hinge device and cell phone that opens to 160 degrees. However, none of the prior art of record teaches the two claimed paragraphs above.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
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January 26, 2006

KEITH FERGUSON
PRIMARY EXAMINER

